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From Procedural Chore to Political Prestige: Historic Development and Recent Reforms of the Presidency of the Council

Die Ratspräsidentschaft wurden in den 1950er Jahren als administrative Pflicht auf der Basis strikter Gleichheit zwischen den damals zehn Mitgliedstaaten der Europäischen Gemeinschaften eingeführt. Heute stellt es ein Amt von hohem politischen Prestige dar, das in einer tieferen und weiteren Union wichtige Rechte und Verantwortlichkeiten mit sich bringt, auch wenn viele davon sowohl formell als auch informell beschränkt sind. Dieser Beitrag verfolgt die Veränderungen, die das Amt im Lauf der Zeit erfahren hat, als Folge unter anderem einer Schwächung der Kommission, der zunehmenden Rolle des Europäischen Rates, Änderungen der Abstimmungsregeln, Abweichungen von der sog. Gemeinschaftsmethode, Erweiterungen und neuen Regeln der Transparenz. Die historische Entwicklung und jüngste Reformen des Amtes werden nachgezeichnet, indem dessen vier zentrale Funktionen (Administration und Koordination, das Setzen politischer Prioritäten, Mediation sowie interne und externe Repräsentation) und die Organisation der Präsidentschaft sowohl aus der Perspektive der EU insgesamt als auch aus der Perspektive des den Vorsitz innehabenden Mitglieds untersucht werden. Die vordringliche Beschäftigung jüngerer Präsidentschaften mit den Themen Öffentlichkeit und Information mag als Versuch gewertet werden, es der Öffentlichkeit zu erleichtern, eine Präsidentschaft von der anderen zu unterscheiden.

*Keywords: EU Council, European Council, Presidency, Council Secretariat
Rat der Europäischen Union, Europäischer Rat, Ratspräsidentschaft, Generalsekretariat des Rates*

1. Introduction

On the first of January and the first of July every year, a different member state takes over the presidency of the Council of the European Union (EU). The job includes presiding over the Council's 300 or so largely invisible preparatory bodies and the very high-profile meetings of the heads of state or government in the European Council. In national and international media, the Council presidency is frequently and erroneously described as the 'presidency of the EU', simultaneously revealing a lack of understanding of the EU's institutional system and the perceived importance of the Council within it. This article traces the historic development and recent reforms of the office of the Council presidency from its inception in 1951 in the

context of the European Coal and Steel Community (ECSC). Successive treaties, reports, European Council conclusions and versions of the Council's internal rules of procedure (CRPs) can be used to trace the development of the office of the presidency but, as with so much else in the EU, codification has frequently tended to follow rather than to establish a particular practice.

This article is divided into two main parts. In the first and longer part, we identify the four main functions of the Council presidency today, contrast them with the functions originally envisaged for the office and explain how they developed over time. Part two deals with the organisation of the presidency, both from the point of view of the EU as a whole and from the perspective of the member state in the chair. In a

short concluding section, we identify the main factors underlying the metamorphosis of the office of the Council presidency over time and the effect on it of recent reforms.

2. Functions

The institutional architects of the European Communities (EC) focused most of their attention on the High Authority, the innovative supranational body that later became the Commission. The Special Council of Ministers (as the 1951 Treaty establishing the ECSC named it) was only added to the institutional structure on the insistence of the Dutch, who were anxious to provide for an intergovernmental counter-balance to the powerful High Authority, an unknown and untested quantity at that time. The Council's chief task in the ECSC was 'to harmonise the action of the High Authority and that of the Governments' (Article 26 ECSC) and the High Authority and the Council were required to exchange information with and consult one another. Clearly, meetings of the Council would have to take place in order to fulfil these tasks, and someone would have to chair them. It was therefore decided that this chore should be shared equally among the member states for a period of three months at a time.

When the European Economic Community (EEC) and the European Atomic Energy Community (Euratom) were created six years later, the same basic institutional design was retained but the functions of the Council (no longer deemed 'Special') now included the power to take decisions. At the same time, the term in office of the presidency was extended to six months, a hint that the role of president of the Council was no longer viewed as merely a necessary duty to be fulfilled. Five decades later, the full list of presidency functions and duties is long and detailed, but they can be reduced to four essential tasks: administration and coordination; the setting of political priorities; mediation; and internal and external representation (Elgström 2003a, 4-7). We now look at each of them in turn and in some detail.

2.1. Administration and coordination

The main requirement of the Council presidency is to create the conditions that make decision-making among its members possible. Effective administration and coordination of the Council's work are key to the achievement of this goal. Essentially, the presidency as originally envisaged was expected to convene, chair and produce documents for Council sessions (and, by extension, any meetings held to prepare them) and this remains the core of the presidency's task today.

2.1.1. Convening meetings

The presidency is responsible for convening all meetings held within the Council hierarchy, either on its own initiative or at the request of the Commission or one of the member states (Article 1, CRPs). In the early 1950s, this entailed the not very onerous task of setting dates and booking rooms and facilities for a small number of meetings of the foreign ministers of the member states, and for the Coordination Committee of senior national officials that prepared the ministers' meetings. The situation today is very different. As the scope of action of the European Communities (EC) and later the EU expanded, other ministers were drawn into the European-level discussions, the Council began to meet in different configurations, and the number of preparatory bodies increased exponentially. Today, a typical presidency convenes about 40 formal Council meetings and some 2000 meetings of preparatory bodies. Most of these meetings take place in the Council's headquarters in Brussels (the so-called Justus Lipsius building), the home of the Council Secretariat, which assists the presidency in the fulfilment of its duties (see later section). During the months of April, June and October, the Council's meetings are held in Luxembourg in accordance with a political agreement dating back to the early years of the EC.

Four other main developments have added to the presidency's administrative workload as regards the organisation of meetings. First, with

the official inauguration of the intergovernmental European Council in 1974, the presidency acquired the task of convening these high-profile gatherings of the heads of state or government, who meet at least twice during every presidency. Until 2003, these meetings were usually held in the country of the presidency, providing a handy means of differentiating the various summits (Corfu in June 1994, Turin in March 1996, Gothenburg in June 2001, and so on). Since 2003, all formal sessions of the European Council have taken place in Brussels, although informal sessions may be organised in the presidency member state (for example, the Hampton Court summit in October 2005 under the UK presidency, and the Berlin summit in March 2007 under the German presidency).

Second, the practice of organising informal Council meetings (which have no papers, no minutes and take no official decisions) in the presidency member state has become a regular feature of every presidency, so much so that an attempt has been made to limit their number. An internal Council note of 1989 requested the member states to reduce them to seven per presidency but, despite frequent reminders from the Legal Service of the Council Secretariat, this rule has largely been ignored by incoming presidencies. (The Germans scheduled fourteen such meetings for their presidency in the first half of 2007.) Informal Councils are popular with member state representatives because of the opportunities they provide to showcase the territory and national products of the presidency member state, and because they allow for frank exchanges of views and information on issues of mutual interest or shared concern that may facilitate agreement in subsequent formal sessions.

Third, the introduction of new decision-making procedures in the EU has had the direct result of making inter-institutional relations much more time-consuming because they necessitate a greater number of formal and informal meetings. This is particularly true as regards the Council's relations with the European Parliament (EP), in which the Council presidency speaks and acts on behalf of its Council colleagues (see the section below on representa-

tion). Suffice it here to say that the presidency has to work closely with officials from the Commission and the EP in order to find spaces in an already busy schedule for its ministers and officials to attend regular meetings with their counterparts from the other institutions, in order to ensure that the Council fulfils its duties efficiently within the legislative process.

Fourth, as a direct result of both the expansion of the external relations of the EC/EU and also the presidency's acquired role as the representative of and spokesperson for the Council, presidency ministers and prime ministers now also have to make time in their schedules for meetings with the representatives of third countries and international organisations (see later section). Here we merely need to note that holding the presidency now entails a major time commitment on the part of ministers and prime ministers as regards external relations as well as internal ones.

2.1.2. Chairing meetings

For every meeting it convenes, the presidency member state is required to provide someone to chair it. In essence, this involves opening the meeting, getting approval for the draft agenda and the draft minutes of any previous meetings, moving through each of the agenda items in turn, giving the floor to those who indicate they wish to speak, calling for and recording votes when necessary, summing up the discussion on each point and closing the meeting at the end. In the early days of the EC, the number of participants was small, the amount of issues to be discussed was limited, and agreement was reached on the basis of unanimity. Today, with increased numbers around the table as a result of successive enlargements, more agenda items because of extensions in the scope of the EU's and therefore the Council's activities, and many more items being subject to majority voting rules rather than unanimity, the role of chairman has taken on added importance and requires additional skills.

It is important not to view the early years of the EC through rose-tinted spectacles, however,

assuming that smaller numbers and fewer issues must have meant less conflict. After all, the Luxembourg crisis of 1965-66 occurred under just such numerical conditions, but the issues to be decided upon were so deeply divisive that they required a considerable amount of time and diplomatic effort to be resolved.¹ Nonetheless, today's Council presidents must fulfil a fundamentally different role to that of their predecessors, and have been obliged to take on an increased managerial role, in the fulfilment of which they are ably assisted by the Council Secretariat (see later section). In order to do their job well, presidents need to understand EU business and processes, to have good language skills and to have negotiating experience. These have always been requisite skills for a Council president, but are arguably even more necessary today because of the increased complexity of European-level decision-making.

Since the late 1990s, the Council has been engaged in a process of self-examination and internal reform, spurred on by first the prospect and then the reality of greatly increased numbers. The aim was to augment the efficiency of the enlarged Council, and a number of reforms were agreed at the Seville European Council in June 2002 and later included in the Council's internal rules of procedure. Thus, Article 20 (The Presidency and the businesslike conduct of discussions) and Annex V (Working methods for an enlarged Council) of the CRPs now lay down in some detail the various means open to the presidency in order to expedite business within the Council.

Changes in voting rules have also had an impact on the role of the chairman throughout the Council hierarchy, even though explicit voting can only take place at ministerial level. On paper, seventy per cent of all Council decisions are now subject to qualified majority voting, but in the decade up to 2004 only about one in five of these was actually put to the vote (Hayes-Renshaw/Wallace 2006a), and the early indications in the enlarged EU were that this pattern was continuing (Hagemann/De Clerck-Sachs 2007, 3). There is therefore a basic consensual reflex within the Council hierarchy, whichever

decision rule applies to the issue under discussion. Larger numbers and broader preferences make the achievement of consensus dependent on mediation, and the chairman has been expected to add this function to his or her repertoire (see later section). In those cases where a vote will be called, an effective president must be aware of the formation of qualified majorities or blocking minorities and must have a strategy for dealing with them. Here, too, the presidency can usually count on the input and insight of experienced officials from the Council Secretariat (see later section).

Because the chairman is expected to be neutral, the member state holding the presidency must also send another (usually more junior) delegate to the same meeting to present and defend the national position. In the early days of the EC, when the number of issue areas and meetings was small, this caused little difficulty, even for a member state with limited numbers of personnel like Luxembourg, which could always call on its Benelux partners for assistance if necessary. As time has gone on, however, and the number of meetings has increased (today, there may be anything up to 20 meetings taking place on any one day in Justus Lipsius), even the largest member states have had to hire extra staff for their presidency period in order to ensure adequate representation at all meetings.

There are some exceptions to the general rule that the presidency member state provides the chair for all meetings held within the Council hierarchy:

- The powerful Economic and Financial Committee (EFC), which prepares the work of Ecofin, the Economic and Financial Affairs Council, has an elected president, who is chosen from among the members of the committee for a renewable period of two years.
- Member states that have opted-out of certain policy areas may cede the chair to the next opted-in member state when such issues are discussed or voted upon during their term in office. So, for example, during the Danish presidency in the second half of 2002, discussions relating to the European Security and Defence Policy (ESDP) were

chaired by a representative of the succeeding presidency member state, Greece, because of Denmark's treaty-based opt-out concerning the ESDP.

- In other groupings, such as the informal Euro Group, which brings together the finance ministers of the member states belonging to the Euro zone, the presidency rotates among those member states alone.
- Some minor working parties are chaired by officials from the Council Secretariat.

In addition, the Council's rules of procedure (available on the Council's website)² provide for a number of further exceptions:

- The Council may decide that the chairmanship of any of the committees provided for in the Treaties (with the exception of Coreper, the prestigious Committee of Permanent Representatives, which prepares the work of the Council) should be exercised by a delegate from a member state other than that currently holding the Council presidency. Coreper may take a similar decision regarding the committees and working parties it has set up (Article 19.4). I am not aware of any examples of such decisions, presumably included as a safeguard against a potential future eventuality.
- The current presidency may cede the chair of preparatory bodies other than Coreper to the representative of the next presidency for the preparation of Councils held only once every six months, and scheduled for a date early in the next presidency (Article 19.5). To take a hypothetical example: The only meeting of the Education, Youth and Culture Council under presidency B is scheduled for the beginning of February, but the preparatory discussions for the meeting take place at working party level in October and November under presidency A. In acknowledgement of the agenda-setting and brokerage powers of the presidency, these meetings may be chaired by the delegate from member state B, which will exercise the presidency when the Council meeting takes place, and will be responsible for getting agreement on the issues being discussed.

- When a dossier is likely to be dealt with essentially during a specific six-month period, preparatory meetings discussing the dossier held during the preceding six-month period may be chaired by a delegate from the succeeding presidency (Article 19.6). To take another hypothetical example: The budget is essentially decided upon in the second half of the year, when presidency B is in charge. If any preparatory discussions take place towards the end of the first half of the year, during presidency A, the two member states may decide that a delegate from member state B will chair those parts of any preparatory meetings where discussions on the dossier take place. Once again, this is an acknowledgement of the agenda-setting and brokerage powers of the presidency.

Another recent development as regards the chairing of meetings arises from the implementation of new transparency rules first agreed in 1992 and gradually strengthened in the intervening years. Presidency ministers must now be prepared for some parts of the Council meetings they chair to be televised, and made available to the public.³ This is achieved either by means of closed circuit television in a special room in the Council's press centre (the Council chamber itself remaining strictly off-limits) or by means of video streaming in all the official languages on the Council's website.⁴ For some Council insiders, this development is nothing short of revolutionary, given the Council's entrenched habit of meeting behind closed doors and refusing, until the late 1990s, to allow the systematic release of the minutes or voting records of its deliberations. For others, it is a long overdue and most welcome advance, a means of reversing the Council's long-standing reputation for excessive secrecy. For the person in the chair, however, who may have to deal with national delegates playing to their respective domestic audiences, the prospect of such public scrutiny can be daunting.

Interested outsiders can now watch the ministers engaged in four different types of discussion: first, all Council deliberations and votes on issues subject to the co-decision procedure;

second, the Council's initial deliberations on important legislative acts adopted by procedures other than co-decision; third, public debates on important issues affecting the interests of the Union and its citizens; and fourth, policy debates on the Council's programmes. The dates and times of these open sessions are determined in advance and advertised on the Council's website. Article 8 of the Council's rules of procedure requires that a recorded version of such sessions be available on the Council's website for at least one month after their initial broadcast.

2.1.3. Producing documents

The presidency's task of producing documents begins even before it enters into office in the wake of recent reforms designed to increase coherence and continuity between successive presidency periods. Since the late 1980s, incoming presidencies have been expected – and indeed have welcomed the opportunity – to indicate in advance what they hope to achieve during their time in the chair. High-profile speeches by the prime minister or foreign minister, addresses to the plenary session of the European Parliament or even articles in leading newspapers or journals, have been variously utilised to gain advance publicity for the priorities and aspirations of the incoming team.

The system of rotating presidencies carries with it the risk of having new priorities imposed on the EU every six months, and indeed the EU has suffered from such instances in the past, and the lack of consistency and coherence they caused. It was therefore decided at the Seville European Council of June 2002 that the work of the Council should be programmed on a multi-annual basis, spanning several presidencies. The Seville reforms required a series of inter-linked documents: first, a three-year strategic programme drawn up by the six member states holding the presidency over that period; second, annual operational programmes agreed by the two member states taking on the presidency in the same calendar year; and third, individual work programmes submitted by each

incoming presidency, covering their specific period in office. This system proved too cumbersome however and, once the decision had been taken to introduce an embryonic form of team presidency in the wake of the 2007 enlargement, the programming requirements for incoming presidencies were lightened somewhat.

The core document, from which all the others flow, is now the draft programme of Council activities, which spans 18 months (Article 2.4 CRPs). It is drawn up jointly by the three member states scheduled to hold office over that period, in close cooperation with the Commission and after 'appropriate consultations', notably with the EP. The first such programme, drawn up by Germany, Portugal and Slovenia, was duly endorsed by the General Affairs and External Relations Council (GAERC) in December 2006. On the basis of the 18-month programme and once again in consultation with the Commission, each incoming presidency is then required to submit an individual work programme, indicating its priorities for its term in office (see below) and including a schedule of the main Council and other meetings it intends to convene. Finally, shortly before it takes office, each incoming presidency establishes indicative provisional agendas for each Council meeting scheduled for the next six months, showing the legislative work and operational decisions envisaged (Article 2.5 CRPs).

In advance of every meeting it convenes within the Council hierarchy, the presidency circulates a provisional agenda to the other member states and the Commission. Following the implementation over the past decade of new rules on public access to documents, these agendas (and the minutes of Council meetings drawn up by the Council Secretariat) are now normally available to the general public either directly via the Council's website or by application to the Public Information Unit in the Council Secretariat.

One other important set of documents drawn up by the presidency are the conclusions of the discussions which take place in the European Council. In many ways, these meetings of the

heads of state or government have become the focal point of every presidency, particularly the 'wrap-up' sessions that take place in the final month of every presidency (June and December). Consequently, their conclusions are examined closely for clues as to the level of agreement (or disagreement) between the member states and the state of integration within the EU. Although the results of discussions in the European Council are made public as the Conclusions of the Presidency, and presented as such by the presidency at a press conference as soon as the European Council ends, there is usually extensive input from Coreper, the Commission and the Council Secretariat, and the conclusions are endorsed by each of the heads of state or government before being released.

2.1.4. Coordination

The Council of Ministers today sits at the very centre of the EU's legislative and decision-making processes. It is a much more complex body than its forerunner in the ECSC or even the EC, and is part of an increasingly intricate system of inter-institutional networks and inter-governmental relationships. Originally, the task of coordinating the Council's work was granted to the foreign ministers, but as the number of Council configurations and participants increased, they proved unable or unwilling to fulfil this function (see Gomez/Peterson 2001). Today the task is shared between the Council Secretariat, the General Affairs Council, the European Council and the presidency.

An incoming and incumbent presidency is required to fulfil a number of different types of coordination at different levels. The first is domestic coordination, a necessary requirement for all member states, if they are to present a coherent national position within the Council, but doubly important for the presidency member state because of its extra coordinating responsibilities. Coordination begins at home, and an incoming presidency member state whose domestic coordination is badly organised or ineffective will be viewed with some apprehension by its EU colleagues. Thus, every incoming

presidency first reviews, and if necessary adapts, its domestic systems of coordination, and then decides how to deal with the additional layers and levels of coordination that the exercise of the presidency will demand. The Brussels-based national permanent representation usually plays a key role in this regard, becoming the fulcrum of activity in the run-up to and during the presidency itself (see later section).

Second, coordination must be ensured within and between the various layers serving each Council configuration, in order to ensure that dossiers move smoothly up (and if necessary down) the various decision-making levels in an efficient manner. This vertical coordination will usually encompass one or more working parties, Coreper or another senior preparatory committee, the relevant Council and in some cases the European Council. The individuals chairing each of these bodies need to keep one another closely informed about the progress of negotiations on specific dossiers at their level, and together plan the movement of dossiers between them. They are assisted in this task by officials from the Council Secretariat, who brief the presidency in advance of meetings and produce notes of the discussions afterwards. Coordination within each of the levels of the Council hierarchy is hugely time-consuming today, not only because of the large number of actors now involved, but also because of the ingrained habit throughout the Council hierarchy of reaching most agreements by consensus, whatever the voting rule.

Third, horizontal coordination between the different Council configurations has become both more difficult and more necessary as the number of Council configurations has increased in response to successive extensions to the scope of EC/EU and therefore Council activity. At one stage in the early 1990s, the Council met in 22 different configurations, although they did not all meet with the same frequency or intensity (see Hayes-Renshaw/Wallace 2006b, 38-9). Since 2004, these have been reduced to nine, mainly by fusing some previously separate configurations. In practice, fused Council meetings often consist of a sequence of several distinct

sessions, each dealing with a specific sector and attended by different ministers and delegations.

Fourth, in its capacity as the spokesperson of the Council, the presidency is obliged to work closely with representatives of the Commission and the European Parliament in the context of the budgetary and the various legislative procedures. Representatives of different levels of these three institutions meet regularly in dialogues to discuss and coordinate their work on current dossiers and to try to find compromises that will speed up the decision-making process. First introduced in the context of the conciliation procedure, these dialogues have now been extended to all stages of the co-decision procedure, with positive results in terms of first and second reading agreements and fewer formal conciliation processes (Corbett et al. 2005, 220).

Finally, in order to ensure as seamless a handover as possible, the presidency has always been expected to coordinate its work with the presidencies immediately preceding and succeeding it. In recent years, as we have seen, this has been extended to include the drafting of a common programme covering several presidencies. The introduction of an embryonic form of team presidencies in 2007 was expected to give rise to even greater cooperation and coordination between the member states grouped in each trio, but it remains to be seen how deep this will turn out to be in practice.

2.2. *Setting political priorities*

A new Council presidency means change. The faces at the head of the table are different, the administrative style may change for better or worse and certain issues may move to positions of greater or lesser prominence on the Council's agenda. The presidency programme, presented in advance of the presidency start date, indicates the areas where the presidency hopes or expects to make headway during its time in the chair. As the leader of the Council, the convenor of its meetings and the draftsman of its agendas, the presidency is assumed to be capa-

ble of determining the political priorities of the Council during its term in office. This notion, while true in theory and based on a certain degree of historical experience, is less well-founded today.

In the 1950s and early 1960s, it was the High Authority (Commission) that set the political priorities of the EC, thereby essentially setting the Council's agenda and predetermining what each presidency would have to deal with during its term in office. Following the Luxembourg crisis of 1965-6, however, the Commission was informally required to consult the member governments before presenting proposals to the Council, thereby *de facto* if not *de jure* relinquishing its exclusive right of initiative and creating a political vacuum. At the same time, the EC's scope of activity expanded and the Council began to meet in different configurations. Their work had to be coordinated and decisions had to be taken about the relative merits and importance of competing policy priorities.

As the designated leader of the Council, the presidency seemed the obvious body to whom to devolve these new responsibilities. The presidency's duties were further augmented in the 1970s following the inauguration of the determinedly intergovernmental system of European Political Cooperation (EPC) and the formal establishment of the European Council, which was also expected to play a role in the setting of the EU's political priorities. The central role of the presidency as regards setting political priorities was reinforced once again in the 1990s with the introduction of both the Common Foreign and Security Policy (CFSP) and Justice and Home Affairs (JHA) as policy areas not subject to the normal 'Community method' and therefore denoting a minor role for the Commission.

All through this period, the EC and then the EU continued to extend its membership on several occasions, with the result that new and different political priorities were regularly added to the mix, and had to compete for attention. The Council presidency began to be viewed as a real locus of power, and it became commonplace for member states to try to use their time in the chair to advance particular national inter-

ests. Incoming presidencies therefore invested much time and energy in drawing up their advance programmes, and tried where possible to align the EC/EU's political priorities with their own during their term in office.

Every presidency programme is made up of two main categories of items. The first category consists of inherited issues, that is, those already on the table because they are part of a rolling programme, because they have been left over from the previous presidency or because their agreement is subject to a time limit due to expire during the incoming presidency period. The second category contains issues of particular interest to the presidency member state, whether for geographical, economic or political reasons, and on which it hopes to advance agreement during its time in the chair. If the presidency member state is lucky (or extremely well organised), the first and second categories may overlap. Thus, the Finns officially launched a campaign in 1997 to promote a so-called 'Northern Dimension' in the EU's external relations (essentially, a new relationship with Russia) that was orchestrated precisely to come to fruition (as it eventually did) in the form of a ministerial conference during its presidency in the second half of 1999 (see Tallberg 2006, 90-101).

A third category of items, for which planning is impossible, should also be mentioned. These are unexpected events that occur during the presidency and to which it is obliged to react, sometimes to the detriment of the rest of its carefully planned programme. All incoming presidencies expect the unexpected and hope they will be able to deal with it efficiently when it occurs, but the German presidency in the first half of 1999 had more than its fair share of unexpected events with which to contend: the deepening of the war in Kosovo, the NATO bombing of Serbian targets and the resignation of the Santer Commission.

Tallberg (2003, 21-30) has distinguished between three different ways open to the presidency of influencing the Council's policy agenda: agenda-setting (putting new items onto the agenda), agenda-structuring (putting varying emphases on items already on the agenda)

and agenda-exclusion (keeping items off the agenda). The recent introduction of programmes spanning several presidencies has reduced any individual presidency's agenda-setting and agenda-exclusion powers but still provides opportunities in terms of agenda-structuring. This may entail scheduling more meetings than usual in a particular policy area, convening informal meetings to discuss a particular subject or devoting more time in scheduled meetings to the discussion of the issue in question. The Austrians were accused of using their presidency in the first half of 2006 as a 'bully pulpit' in the heated debate then raging about genetically modified organisms (GMOs). Long-standing opponents of GMOs, the Austrians scheduled a public debate on the issue at the Environment Council they chaired in March and convened a special conference on GMOs in Vienna in April, despite the fact that no votes were scheduled to be taken in the Council on the approval of new GM varieties under the Austrian presidency (Pollack/Shaffer forthcoming).

In the areas of the CFSP and the associated European Security and Defence Policy (ESDP), the presidency has, since 1999, had to share its power to set political priorities with the High Representative, Javier Solana, and with the newly-formed military bodies. The Council Secretariat, too, has taken on new operational tasks in these fields, and there is some evidence of disquiet on the part of some member states about this development (interview with Council Secretariat official, January 2006).

2.3. Mediation

Having established its priorities, the Council must proceed by means of collective decision-making to put them into effect, whether through legislation (now largely adopted jointly with the EP), cooperation or other means. It was to be expected that agreement would often prove difficult, particularly once the number of participants began to increase and the process of integration began to widen and deepen. The original idea was that the High Authority (Com-

mission) would mediate between the differing policy preferences and interests bound to arise within the Council, and this indeed was what happened in the early days of the EC. A growing distrust of the supranational character of the Commission erupted in the Luxembourg crisis in the mid-1960s, however, after which the Council proved less willing to allow the Commission to broker agreement between its members. Seriously weakened by the fall-out from the Luxembourg crisis, the Commission was in no position to protest.

But differences remained, and the role of mediator still had to be filled. The presidency was the obvious choice because of its central position in Council negotiations. The fact that it rotated on the basis of strict equality between all the member states and would therefore not harbour rigid vested interests only added to its attractiveness. The underlying assumption was (and continues to be) that the presidency would fulfil the role of mediator in a neutral and impartial manner, demonstrated by the requirement that a separate delegation be fielded by the presidency member state at all meetings within the Council hierarchy (with the exception of the European Council) to speak on its behalf. Elgström (2003b) has argued that EU presidencies are seldom neutral and not always impartial and that this is not necessarily a bad thing, given the presidency's over-riding responsibility to drive negotiations within the Council towards agreement.

Until recently, neither successive treaties nor the Council's internal rules of procedure alluded to this function of the presidency, allowing it to develop informally in line with the wishes of the member governments. The current version of the CRPs has broken this trend, detailing (in Article 20 and Annex V) several ways in which the presidency can ensure that discussions do not get blocked and that Council sessions proceed efficiently. These may include: engaging in written or oral consultation of the member states in advance of or during breaks in meetings in order to determine where a possible compromise might be found; holding restricted sessions of meetings by limiting the number of per-

sons per delegation allowed to be present in the meeting room; setting the order in which items are to be discussed and determining the duration to be allotted for their discussion; and asking delegations to present in writing their proposals for amendment of a text under discussion before a given date. The Council Secretariat is authorised, by means of Article 23 CRPs, to assist the presidency in seeking solutions.

Over time, therefore, it has become an accepted and indeed expected part of the presidency's brief to engage in bilateral or multilateral discussions with the other members of the Council or European Council in order to search for possible solutions acceptable to most or all of the participants, thereby reducing conflict, breaking deadlock and facilitating agreement. Given its central position in the negotiations and the advantage it almost inevitably therefore enjoys in terms of privileged information, the 'compromise from the chair' has become an important element in Council negotiations. This is even more true in those areas subject to qualified majority voting, where the possibility of calling a vote can be an important weapon in the presidency's armoury.

The presidency's mediatory role has been extended again in recent times by its participation in trialogues with the Commission and the European Parliament in the context of the co-decision procedure, and particularly in the process of conciliation. Acting as the Council's representative and spokesman, the presidency engages in negotiations with its counterparts at various levels in the other institutions, reporting back to its Council colleagues on their concerns and preferences. The privileged information it gains through these discussions strengthens the position of the presidency, giving it a unique view of the negotiations in the round rather than from one particular angle.

2.4. Representation

In its dealings with the other institutions and the outside world, the Council has had to learn to speak with one voice, and that voice has tra-

ditionally belonged to the presidency. Originally, the Council was only required to consult the EP (then the Common Assembly), which in many cases meant waiting for the Assembly to deliver its opinion and then proceeding to do what the Council had intended doing in any case. Over the years, however, the stature of the EP has grown, first with the acquisition of budgetary powers in the early 1970s, next as a result of its direct election at the end of that decade, and then through its attainment of increased legislative powers by means of the introduction of the co-operation procedure in 1985 followed by the co-decision procedure in 1992 and its subsequent extension.

Consequently the Council is now obliged to take the EP much more seriously and to invest much more time than heretofore in speaking to and negotiating with it. As the official representative of and spokesman for the Council, the presidency must therefore include in its schedule a series of meetings at all levels with representatives of the EP. The presidency prime minister and relevant ministers attend EP plenary sessions and committee meetings, where they speak and answer questions on behalf of the Council about its work programme and current dossiers. In the context of the co-decision procedure, presidency ministers and officials meet their counterparts in the EP and the Commission regularly in so-called trialogues, in order to keep dossiers moving up and down the Council hierarchy and to improve their chances of being decided at first or second reading stage in the co-decision procedure. Dates must also be set for meetings of the Conciliation Committee, which is alternately chaired by the EP and the Council presidency, and in which the latter acts as the spokesman for the Council.

But it is in its external representational role that the presidency has seen the greatest degree of change in its tasks. The establishment of EPC in the 1970s thrust the presidency into the international limelight because of the explicit sidelining of the Commission. The London report of 1981 and the Stuttgart Solemn Declaration of 1983 attributed a growing number of representational tasks to the presidency

(Westlake/Galloway 2004, 330-2), and these were increased with the establishment of the CFSP in the early 1990s. More recently, the presidency's representational role has been somewhat eclipsed as a result of the appointment of the High Representative (HR) for the CFSP at the end of the 1990s, and the decision to change the composition of the *troika* (from the current, preceding and succeeding presidencies to the current Council president, the HR for the CFSP and the Commissioner for External Relations) has also diluted somewhat the presidency's powers in this area.

External policy includes not only foreign and security policy but also trade and overseas development. In this context, the presidency regularly meets the representatives of third countries and international organisations in a variety of forums, including Association, Cooperation and Partnership Councils, and summits and ministerial meetings with major partners. In some of these, it acts as part of the *troika*, while in others it shares representational responsibility with the Commission in a system fraught with potential difficulties (Hayes-Renshaw/Wallace 2006b, 152-4).

3. Organisation

The presidency's functions, as we have seen, are many and varied, making the office a demanding and somewhat daunting undertaking, particularly for smaller member states. But if things go well, the six months in office can also be an exhilarating and ultimately rewarding experience for those directly involved, who get to play a much more central role than usual in the process of European integration. Paying attention to some of the basic organisational aspects of the Council presidency can be an important determinant as to whether a member state will ultimately be judged to have conducted a 'good' or 'bad' presidency by its peers. Here we look briefly at four organisational elements of the presidency: rotation and seating, the role of the permanent representation, the input of the Council Secretariat and information and publicity.

3.1. Rotation and seating

The rotating mechanism of the Council presidency is based on the notion of strict equality between the member states. No matter what its size, gross domestic product or political profile, each member state takes its scheduled turn at the helm of the Council for a set period of six months. How is the order of rotation determined? The original system, agreed in 1951 for the Special Council of the ECSC and applied thereafter to the other European Communities, was simple: it listed the member states in alphabetical order according to the name of their member state in the official language(s) of that country. Thus, Belgie/Belgique was followed by Deutschland, France, Italia, Luxembourg and Nederland, at which stage Belgium took over again. This system had the merit of coping easily with the accession of new member states, who simply took their alphabetical place on the list. As the EC/EU gained in size and complexity, however, successive enlargements became the occasion for changing the system again, in response to certain inherent defects that had manifested themselves over the years.

In 1986, an alternating rotation system was introduced in order to ensure that each of the member states would take turns presiding in the busy second half of the year, which effectively only lasts for four months because of the summer break. A decade later, the Act of Accession for Austria, Finland and Sweden introduced a completely different order of rotation designed to ensure that the *troika* (the coordinating mechanism for the Common Foreign and Security Policy, bringing together the current, preceding and succeeding presidencies) would always include at least one larger member state and that neutral member states would always be grouped with non-neutral ones. The large-scale enlargement of 2004, followed by the accession of Bulgaria and Romania in January 2007, necessitated yet another re-working of the order of rotation, designed to reflect a balance of geographical situation, economic weight and 'old' and 'new' members. The order of rotation is now fixed, by means of a Council decision,

until 2020 - although changes can be made for duly substantiated reasons, provided all the member states are in agreement.

Besides determining the exact six months when a member state takes on the presidency, the order of rotation affects a number of other organisational aspects in the life of the Council. The member state representatives sit around the negotiating tables at all levels of the Council hierarchy in the order in which they will accede to the presidency, moving one space to the left every six months as another member state takes over the office of the presidency. The representative of the preceding presidency sits on the current presidency's left, with the national delegate of the presidency member state occupying the position immediately to the right of the presidency. When calling upon national delegates to speak, the presidency usually moves around the table from left to right, and may also choose to use this formula if and when roll-call voting takes place. In a certain sense, a member state's position in the order of rotation is largely irrelevant, so long as the underlying principle of strict equality is maintained, and each member state is guaranteed an equal share of time at the forefront of Council activity. In another sense, however, who holds the presidency before and after you can have important implications for coordination and continuity, and can have long-term consequences not only for the member states involved but also for the EU as a whole.

3.2. The role of the national permanent representation

Every member state taking over the Council presidency faces a fundamental choice about the degree of influence to be exercised by the national permanent representation in Brussels. The post of permanent representative is, without exception, one of the most senior in the diplomatic systems of each of the member states and the representations are staffed by highly qualified officials chosen for their ability and expertise to represent their member state within the Council hierarchy. The advantage of – and

indeed the argument for – letting the Brussels-based officials in the permanent representation take the lead both before and during the presidency is that, because of their expertise and location, they are well plugged-in to the relevant Brussels networks and therefore well-informed and useful guides as to what proposals or outcomes are likely to be acceptable to the other members of the Council. Indeed, one seasoned commentator has suggested that ‘the permanent representative can make as well as break a presidency, not just in his dealings with his peers, but in his handling of the home front’ (Ludlow 2005, 3). On the other hand, a certain wariness of Brussels-based officials ‘going native’ and the belief that capital-based officials are best placed to understand ‘the national interest’ underpin the alternative view that presidencies should be led from the capital, with valuable input from the permanent representation. In the event, the final decision is left up to each member state.

Whatever the eventual balance between the capital and the permanent representation in the definition of policy during the presidency period, the premises of the presidency national permanent representation becomes a hub of activity both in the lead-up to the period in office and during the actual six months when that member state is in the chair. All are located within easy distance of the Justus Lipsius building and are therefore used for planning meetings, briefings, de-briefings, and so on. Their level of personnel tends to increase by anything up to 25 per cent in the run-up to and during the presidency, because of the increased work-load necessitated by the presidency and the need for increased representation of the member state in question.

With technological advances, it is now possible for officials in Brussels and the capital (and indeed national embassies around the world) to link up via video conferences on a daily basis if necessary, without the need for officials to stir from their respective places of work. The Danes were the first to institute this practice during their presidency in the second half of 2002 (Ludlow 2004, 83-8), and the practice has been adopted

by other presidencies since. This development is particularly welcome for officials from countries geographically far away from Brussels, for whom constant travel would be costly, tiring and time-consuming.

3.3. *The input of the Council Secretariat*

The General Secretariat of the Council, to give it its correct title, began life as a small administrative body, owing its existence not to the founding treaties of the EC but to the Council’s internal rules of procedure. It has grown steadily in size and influence over the years as a result of successive extensions in the scope of the Council’s activity, the creation of the European Council and enlargement. Changes in the EU’s decision-making procedures and voting rules have had a marked effect on its organisation and powers, which have been recognised retrospectively in treaties and the rules of procedure since the early 1990s. Similarly, the addition of the function of mediator (under the guidance of the presidency) to the roles of the Secretary General has been acknowledged via the Council’s rules of procedure. At the end of the 1990s, the Secretary General also took on the additional role of the High Representative for the CFSP and a Deputy Secretary General was appointed in order to oversee the day-to-day running of the Secretariat.

The Council Secretariat is the servant of the Council as a whole, but works most closely with the presidency. As the one stable element in a constantly shifting institution, the Secretariat is well-placed to be the institutional memory of the Council, and therefore a vital resource for the presidency. Thus, the Secretariat is frequently intimately involved in the initial drafting of the programmes of incoming presidencies. Its officials attend meetings at all levels in the Council hierarchy to provide administrative and legal support as well as tactical advice, and their reports or minutes of these meetings constitute the basic working documents for subsequent meetings. Senior officials from the Secretariat also help in the drafting of the presiden-

cy's conclusions which form the only official record of what was said and decided at European Council meetings. The Secretary-General, in his capacity as the High Representative for the CFSP, speaks on behalf of the Council in this policy area, in close cooperation with the presidency in office.

The Council Secretariat is therefore a valuable resource for any incoming presidency, but particularly for a smaller member state, which may have no option but to depend heavily on the Secretariat because of a lack of its own resources. Equally, a new member state exercising the presidency for the first time will benefit greatly from the accumulated experience of the Secretariat in relation to both procedural and substantive issues. In the final analysis, it is the presidency itself that decides on the amount of input it is prepared to accept from the Council Secretariat, and most insiders would assert that the systems work best when the presidency and Council Secretariat work closely together.

3.4. Information and publicity

As its functions have extended over the years, the office of the presidency has increasingly come to be viewed as a vital part of the EU's institutional structure. Consequently every incoming presidency member state becomes the target of sometimes exaggerated expectations, and the object of close and continual scrutiny, both domestically and internationally. The positive side of this potentially uncomfortable situation is that, in addition to being an administrative burden, the six-month presidency term can also be viewed and approached as an educational and marketing opportunity in two senses: an international audience can be apprised of the attributes and attractions of the host member state, while its own citizens can be informed about the operation and policies of the EU.

As a result, a good deal of time, effort and money is now invested by an incoming presidency not only in the administrative and substantive aspects of organising meetings and drawing up agendas, but also in the 'packag-

ing' of the presidency as a whole. In 2004, the presidency was (probably conservatively) estimated to cost a member state in the region of EUR 60 million (Sie Dhian Ho/Van Keulen 2004) and it is reasonable to assume that the cost has gone up rather than down in the interim. This is a considerable investment but it is presumably justified in a number of ways: holding the presidency is obligatory, not optional; it is important in terms of European integration to do it well; and it is worth doing it well because of the reflected glory and other positive side-effects which thereby accrue to the member state in question.

The presidency today is viewed in some senses as a branding exercise, an opportunity to put a national spin on a rotating office. Here we will look briefly at two results of this trend: the presidency logo and slogan, and the presidency website.

3.4.1. The presidency logo and slogan

Since the late 1980s, when increased transparency became a real preoccupation in the Council, every presidency has put forward its own logo, which has adorned its website, conference venues, backdrops, banners, stationery, badges, flags, posters, gifts – even doormats, in the case of the 2007 German presidency! The choice of the logo is entirely up to the member state itself and many put it out to competitive tender. The aim is to produce a visual image that will be easily recognised and remembered, while in some way encapsulating the national identity of the presidency member state and attesting to the European aspect of the office of the presidency. Thus the presidency logo often incorporates the member state's national colours and the presidency website address, and may include such iconographic images as twelve yellow stars in the design. Some previous presidency logos can be viewed on former presidency websites, still accessible via a link from the main Council website.

Presidency slogans are a more recent phenomenon and have yet to prove as popular as presidency logos. Some recent examples are:

Europe into the new Millennium (the Finnish presidency in the first half of 1999); Europeans Working Together (the Irish presidency in the first half of 2004); and Europe – Succeeding Together (the German presidency in the first half of 2007).

3.4.2. The presidency website

The presidency website first made its appearance towards the end of the 1990s and quickly proved an indispensable tool in the transmission of information from the presidency to the general public. They are designed and maintained by the presidency itself and, like the logo, may encapsulate something of the national characteristics of the member state in question. Here can be found the presidency's programme, important speeches made by leading presidency figures, the calendar of scheduled meetings, general information about the office of the presidency, tourist and cultural information about the presidency member state, photo archives and the conclusions of meetings of the European Council. Some websites contain a 'who's who' of the key presidency figures, while others may include an educational quiz about the EU. Most are available in at least three languages. All become inactive (though some remain accessible) as of midnight of the last day of the six-month term in office, as the presidency mantle is handed on to the next member state on the list with a mixture that is probably made up of one third regret and two-thirds relief!

4. Conclusions

The presidency started off in the 1950s as an administrative chore to be shared on the basis of strict equality among the member states of the then European Communities. Over time, its functions became highly developed and its role increased in importance because of the following factors:

- a political vacuum left by a Commission weakened by the Luxembourg crisis and its aftermath;

- the establishment and subsequent institutionalisation of the European Council;
- the increased scope and need for mediation resulting from the introduction of majority voting rules;
- the introduction of new policy areas not subject to the so-called 'Community method';
- enlargement, resulting in greater numbers and increased complexity;
- new transparency rules which led to heightened interest in the Council and how it operates.

As member states began to recognise the potential power of the chair, the period of presidential office came to be viewed as an opportunity for promoting national interests, and a certain amount of incoherence and lack of continuity between presidencies became apparent. In order to rectify this potential weakness, new constraints have been imposed on incoming presidencies. These have been designed to avert the potential danger of weak presidencies, but equally to guard against the possibility of an overly strong presidency attempting to impose its will on its colleagues against their wishes. These constraints include greater programming, an increased role for the Council Secretariat and the introduction of an embryonic form of team presidencies. In some senses, the office of the presidency today has reverted to being a procedural chore, the fundamental difference being that the office now carries with it large amounts of political prestige because of the Council's central position in virtually every area of EU activity. The preoccupation of recent presidencies with issues of publicity and information may therefore be an attempt on their part to help the public to distinguish one presidency from another.

NOTES

- 1 The Luxembourg crisis of 1965-66 arose out of three distinct but linked disagreements. One was between the Commission and the member governments (in particular France) over three key proposals put forward by the Commission on the financing of the

Common Agricultural Policy (CAP), the introduction of the Community's own resources and the extending of the budgetary powers of the European Parliament. The second disagreement was between France and its colleagues in the Council over the planned movement in January 1966 to qualified majority voting (QMV) for a significant range of issues in the Council. The third disagreement was a more general one between the Council and the Commission, having to do with their respective status. Finding itself isolated, France decided to follow an 'empty chair' policy by boycotting Council meetings for several months, thereby preventing decisions being taken by the Council. The crisis was eventually resolved by means of the Luxembourg Compromise, an informal agreement that decisions subject to QMV could be delayed until unanimous agreement had been reached in the Council (in effect introducing a national veto on such issues). The Commission was also required to consult with the member states before introducing new proposals, a stipulation which eroded its right of initiative. The Luxembourg Compromise was rarely invoked explicitly, but because of its existence, the practice of searching for consensus in the Council even when QMV was the decision rule became ingrained. For a comprehensive account of the origins, handling and implications of the crisis, see the volume by Palayret et al. (2006).

- 2 Internet: www.consilium.europa.eu.
- 3 It should be noted, however, that a presidency has the right to refuse to allow the transmission of the ministers' deliberations for duly substantiated reasons. This was the case in October 2003, when the Italian presidency controversially decided not to allow the broadcasting of a ministerial discussion on the investment services directive 'because of the sensitivity of the issue' (Financial Times, 9/10/2003).
- 4 Internet: www.consilium.europa.eu/videostreaming.

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The Empty Chair Crisis and the Luxembourg Compromise Forty Years On, Brussels 2006, 301–20 (with Helen Wallace); When and Why the EU Council of Ministers Votes Explicitly, in: *Journal of Common Market Studies*, 44 (1), 161–94 (with Wim van Aken and Helen Wallace).

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